DOCUMENT RESUME

ED 203 495 EA 013 687

AUTHOR Caldwell, William E.; Lehr, S. Terry
TITLE The Relationship Between Management Bargaining Teams and Contract Settlement Conflict.
PUB DATE 14 Apr 81
NOTE 14p.: Paper presented at the Annual Meeting of the American Educational Research Association (Los Angeles, CA, April 13-17, 1981). Some paragraphs may reproduce poorly due to marginal legibility of original document.

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Administrator Role; *Board of Education Role; *Collective Bargaining; *Conflict; Elementary Secondary Education; Surveys
IDENTIFIERS *Management Bargaining Teams

ABSTRACT

A review of the literature on managerial responsibilities in the collective bargaining process in the public schools yields two hypotheses. The first is that the degree of conflict in public school bargaining is related to the role and level of participation on the management bargaining team of the superintendent, the principal, and the assistant superintendent. The second is that the degree of conflict is positively related to the utilization of school board members on the management bargaining team. A questionnaire was used to survey the sample for this study, which included 149 school districts that negotiated contracts during the 1976-77 and 1977-78 school years. The data revealed that the only administrative position that generated significant findings concerning the first hypothesis was that of assistant superintendent. The higher the participation level of the assistant superintendent, the higher the conflict level prior to settlement. In the case of the positions of superintendent and principal, the data did not confirm the original hypothesis. Analysis of school board participation did confirm the second hypothesis, but not to the degree expected. Collective bargaining in schools needs continued study to aid schools in reducing levels of dysfunctional conflict. (WD)

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THE RELATIONSHIP BETWEEN MANAGEMENT BARGAINING TEAMS AND CONTRACT SETTLEMENT CONFLICT

by

William E. Caldwell
The Pennsylvania State University

and

S. Terry Lehr
Pennsylvania Department of Education

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Presentation Paper
American Educational Research Association
April 14, 1981

Introduction

Act 195, the law that gave public employes collective bargaining rights in Pennsylvania, includes the statement, "... the purpose of this act is to promote orderly and constructive relationships between all public employers and their employes...."[1] However, the bargaining process that this law has provided for has not consistently functioned so that there has been a promotion of, "... orderly and constructive relationships between all public employers and their employes...."[2] In many cases, the results of the collective bargaining process have been the opposite of the intent of the law and the negative consequences have generated considerable public resentment toward public sector collective bargaining. Much of this public reaction has been directed at the schools where the breakdowns of the collective bargaining process have been most evident. Since school board members and school administrators are highly visable in the community, a major share of the public concern has been directed toward them.

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[1] Pennsylvania General Assembly. Public Employe Relations Act, Act 195, (July 23, 1970), p. 2.

[2] Ibid.

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There have been few studies about managerial/employer responsibilities in the collective bargaining process in the public schools and none which can be used to base any theoretical framework. Reviewing the literature did not produce any empirical studies on the management bargaining team in relation to bargaining outcomes or breakdowns in the bargaining process. The information available on the topic of the management bargaining team is basically opinion and there are only meager amounts of evidence to support the contentions of the writers.

Background of Research

There is considerable agreement by scholars regarding the nature of the management bargaining team concept and the many details connected with it. Most of those writers contend that by using the "management team approach" to collective bargaining, negotiators can be more productive and settlement can be reached with less conflict. Fred Hunter stresses the need for a management team when he writes, "It is a mistake, in any case for management's spokesman to carry negotiations alone. The know how and experience possessed by other company representatives may be an invaluable aid at the bargaining table."[3]

The composition of the management team is another agreed upon topic. Most echo the thought expressed by the Midwest Center for Public Sector Labor Relations when they say that team should include, "A mix of representatives from the personnel and budget offices with representatives from the departments with the biggest operations..."[4] Kenneth Warner and Mary Hennessy continue by adding that the team should also have first level management. They agree,

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[3]Elizabeth Marting, ed. Understanding Collective Bargaining (New York: American Management Association, Inc., 1958), p. 82.

[4]Midwest Center for Public Sector Labor Relations. Questions and Answers on Collective Bargaining (Bloomington: Indiana University, 1977), p. 12.

"Line-management men will have to work with the final agreement and they deserve a voice in determining its contents."[5] Castetter feels that the management bargaining team, "... may include representatives from the board of education, the chief executive, line and staff administrative personnel (such as principals, supervisors, and assistant superintendents), legal counsel and professional negotiators or other consultants."[6]

Including the superintendent on the management bargaining team was the most controversial issue discussed in the literature. Robert Weber expresses one side of the debate by stating, "The implication is clear that superintendents do not have to take an active role in rigorous negotiations for the board in order to have a significant input with respect to the final agreement."[7] Raymond Troxell, on the other hand, writes, "Even though the superintendent should not be chief negotiator, he is the key person in negotiations. He alone is in the position to weigh and evaluate everything that is on the bargaining table."[8] In his discussion of a poll taken by the American School Boards Association, Kenneth Newby reports that:

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[5]Kenneth O. Warner and Mary L. Hennessy. Public Management at the Bargaining Table (Chicago: Public Personnel Association, 1967), p. 176.

[6]William B. Castetter. The Personnel Function in Educational Administration (New York: MacMillian Company, 1971), p. 338.

[7]Robert Weber. "The Superintendent and Decision Making in Negotiations" Phi Delta Kappan 54 (December, 1972), p. 281.

[8]Raymond Troxell, Jr. "What are the Ingredients of Successful Negotiations?" NASSP Bulletin 61 (January, 1977), p. 102.

> Asked their attitude, 17% say the superintendent should not be involved; 22% say he should sit at the table; 4% say chief negotiator. This contrasts with the actual practice where 52% use the superintendent on the team, 15% as chief negotiator. Thirteen percent would have the superintendent a neutral resource to both sides, while 43% would have the superintendent advise the board but not sit at the table.[9]

The American School Board Association lists three reasons why the superintendent can be more effective in this third party role.

1. The superintendent does not have time to be directly involved.
2. The superintendent's status can be damaged by bargaining directly with teachers.
3. The superintendent can alienate the instructional staff, thus undermining his leadership role.[10]

In determining the role of the superintendent, a consensus of the sources consulted agreed that the superintendent should not be the chief negotiator for a myriad of reasons. The writers further tend to agree that the superintendent should avoid too active a role in the bargaining process.

While there is controversy over what role the superintendent should play on the management bargaining team, the assistant superintendent's position generated much agreement. James E. Heald and Samuel A. Moore, II reflected the opinions of almost every writer when they suggested that assistant superintendents should serve on the management bargaining team.[11] According to the American School Boards Association poll, "Fifty-four percent

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[9]Kenneth A. Newby. Collective Bargaining-Practices and Attitudes of School Management (Washington: American School Boards Association, 1977), p. 4.

[10]"Here's What Your Fellow Boards are Doing About Teacher Bargaining." American School Board Journal 164 (June, 1977), p. 28.

[11]James E. Heald and Samuel A. Moore II. The Teacher and Administrative Relationships in School Systems (New York: MacMillian Co., 1968), p. 257.

say a central office administrator other than the superintendent is a member. The average number of such administrators (on the management team) is 1.7"[12]

A second position suggested for the management bargaining team is the principal. Castetter referred to the importance of including principals in the negotiating process and how they could aid in reaching a good working contract.

> Regardless of whether the principals are represented on the policy committee or the negotiating team, their role involves consultation in formulating policy decisions, as well as formulation of strategy and tactics. Their knowledge is especially important in analyzing changes which may be demanded by the teacher's association. The building principal has much at stake in the negotiations, because he will be responsible for the day-to-day administration of the agreement, including settlement of grievances arising out of the pact.[13]

The Bureau of National Affairs continued Castetter's thought in its comments about the management bargaining team in the private sector. According to the bureau:

> No one knows the operating faults in any labor contract as well as the supervisors who are required to bargain under it daily. They usually know what works and what does not work, so their opinions on needed revisions are among the best you can get.[14]

Thus, it seems rather clear that those who have given thought to the role of the first level supervisor or principal feel his inclusion on the management bargaining team is important.

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[12]"Here's What." p. 28.

[13]Castetter. Personnel Function, p. 339.

[14]BNA. Bargaining Outline, p. 11.

The role of the school board during bargaining has also generated considerable agreement among the writers on this topic. Heald and Moore argued against total board involvement when they wrote:

> However, should a board of education, meeting as a whole, in a negotiating session agree to the resolution of a conflict, their recourse is not so simple. They have no superordinate body to ratify the contract. As a result, a change in thinking which resulted in a reversal of the position taken could be interpreted as not bargaining in good faith.[15]

Myron Lieberman continued this thought by adding, "Here is a wise and easy decision you just made. No member of your school board is going to do any of the actual bargaining with the union"[16] (emphasis Lieberman's). Lieberman further clarified his position by stating what he felt the board should do.

> Generally, though, the board should delegate its bargaining team sufficient authority to agree to individual items as long as (a) the total package does not exceed the fiscal limit set by the board; (b) the items do not impair managerial efficiency significantly; and (c) no political or community issue is at stake.[17]

Lieberman concluded his thoughts on this matter by stating, "Above all, there should be adequate communications between the board and its bargaining team throughout the negotiations, especially on sensitive items, to ensure no surprises pop up at ratification time."[18]

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[15]Heald and Moore. Administrative Relationships, p. 258.

[16]Myron Lieberman. "How to Speed up the Process of Collective Bargaining with Your Teachers." American School Board Journal, 162 (June, 1975), p. 35-36.

[17]Ibid., p. 35-36.

[18]Ibid., p. 36.

Statement of Hypotheses

Based upon the experience and opinions of the writers two hypotheses were formulated. These were: (1) the degree of conflict which occurs in collective bargaining in public school districts will be related to the role on the management bargaining team, and level of participation of (a) the superintendent, (b) the assistant superintendent, and (c) the principal; and (2) the degree of conflict which occurs in collective bargaining will be positively related to the use of school board members on the management bargaining team.

The Sample

The sample was selected on a purposive basis in order to provide adequate representation of contract settlement conflict, school district size, school district wealth and geographical location. Kerlinger stated that purposive sampling, a form of non-probability sampling, "... is characterized by the use of judgment and a deliberate effort to obtain representative samples by including presumably typical areas or groups in the sample."[19]

The sample of 204 school districts were selected from the population of all school districts that negotiated contracts during the years 1976-1977 and 1977-1978. Of that number, 157 agreed to participate in the study and returned the data collection instrument sent to them. Eight of the districts were not usable because of insufficient information, leaving a final sample size of 149.

The instrument used to collect the data necessary to complete the study was the "Management Bargaining Team Questionnaire" developed by Caldwell and Lehr.

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[19]Fred N. Kerlinger. Foundations of Behavioral Research, 2nd ed. (New York: Holt, Rinehart and Winston, Inc., 1973), p. 129.

The "Management Bargaining Team Questionnaire" contained three parts. In the first section, respondents were asked to identify the members of their management bargaining team. Data was solicited for three types of participants: the chief negotiator, major participants in bargaining and supplemental or resource participants. Each bargaining team member was also identified according to his/her role relationship with the district. Consultants and school board members were additionally identified by their occupations. Also included in the first section was the level of participation of each team member, which was composed of a five-part Likert-type scale with rankings on a continuum from very high to very low. Each member of the team was rated on the continnum according to his or her preception of their own participation at the bargaining table.

The second section of the questionnaire dealt with the use of consultant services. Respondents were asked to indicate whether or not a consultant was hired and, if so, whether the hiring was prior to the start of bargaining, during its pendancy, but prior to an impasse, or at the time of impasse.

The third section of the questionnaire was concerned with settlement activity. Respondents were first asked to record the number of total strike days. Where no strikes occurred, each district was asked to indicate the type of contract settlement activity best described their own experience. The four possible choices were: (1) settlement reached without third party assistance; (2) settlement reached with the use of mediation; (3) settlement reached with the use of fact-finding; and (4) settlement reached with the use of mediation and fact-finding.

Findings

Analysis of the results raised a number of interesting questions concerning current opinions of experts as well as revealing two significant relationships.

In regard to the superintendent, the study data did not support any role in respect to the management team relative to the degree of conflict in settlement. Superintendents in the sample acted as chief negotiator, major participant, minor or supplemental participant, or did not appear as a team member. However, no relationships were established between the superintendent's role and the level of conflict in reaching settlement. In fact, there were no significant differences in contract settlement conflict in districts with high superintendent participation as opposed to low or no superintendent participation. Contrary to the literature, neither the superintendent's role on the bargaining team nor his level of participation had any negative consequences in district settlement conflict.

A second area of speculation concerning the management team involved the use of principals or lower level managerial personnel for greater understanding and communications with the teacher bargainers. Lieberman, Castetter, and others suggest that principals would aid the management bargaining team by better understanding the teachers and the real issues they wanted to bargain. The study data did not support this positive effect on bargaining by the principal. Principals were members of bargaining teams in 55 of the 149 sample districts and no significant difference was found in the level of conflict in contract settlement between districts with or without principals on the team. Neither the appearance or the level of principal participation was related to the conflict associated with contract settlement.

In the analyses of the data concerning membership on the bargaining team, only one position was identified as being significantly related to the level of conflict in settlement. That was the position of Assistant Superintendent. Seventy-eight of the sample districts utilized one or more

Assistant Superintendents on the team and 20 used this role incumbent as the chief negotiator. Although there was no difference in conflict levels between districts utilizing or not utilizing this role on the bargaining team, there was a significant relationship between the level of participation and the level of conflict. The higher the participation level of the Assistant Superintendent, the higher the conflict level prior to settlement. While it may occur to some that this relationship might be related to the actual occurrence of the position or the size of the school district, such was not the case. No relationships were found between level of conflict and the variables of district size, district wealth, or the rural-urban nature of the district.

Another finding of the study was the significant relationship between school board member participation on the bargaining team and the level of settlement conflict. School board member involvement in bargaining teams was widespread occurring in 126 cases or approximately 85 percent of the sample. The mere appearance of a board member on the team did not have a relationship to level of conflict. In fact, although a definite trend was established, the actual number of board members also failed of significance in respect to conflict level. However when the data was analyzed on the basis of board member participation in bargaining activity, a significant relationship was established. In other words, when board members took a major or leading role on the management bargaining team, the level of conflict in settlement increased significantly. In addition, when strike district teams were analyzed, the data revealed the highest levels of school board member involvement.

Discussion of the Findings

This study produced evidence that suggests the need for a more careful examination of public sector collective bargaining. While the literature clearly suggested that involvement of certain administrative roles would either increase or reduce contract settlement conflict, the empirical data does not support these notions. In the case of the superintendent and the principal positions, there were no data to bolster the literature. While the literature suggested an increase in conflict through superintendent involvement, the data revealed that the superintendent's influence had neither a positive or a negative effect on the results. This was also true for the principal position, even though the literature was rather positive with the thought that having a principal on the team would reduce conflict. The only administrative position that did generate significant findings was that of the assistant superintendent. However, as was presented above, the data showed that assistant superintendent participation increased rather than reduced settlement conflict. This is in opposition to the notions currently supported in the literature and must be given consideration when designing a management bargaining team.

The school board was the only group that conformed to the current thinking, presented in the literature. While their participation did bring about the expected results, it was not as drastic as some would have presumed. The data hinted at the notion of the more board members on the team, the greater the levels of conflict, but this was not conclusive. Thus one may conclude that school board participation should be controlled in both number and, more importantly, level of involvement. The board must be totally aware of the progress of the negotiations and even meet in caucus to discuss their position on labor's demands, but their direct involvement in the proceedings needs to be controlled in an effort to keep conflict to a minimum.

Public sector collective bargaining in general and especially collective bargaining in the schools need continued study if we are to understand all the intricacies involved. It is apparent that many of the notions that may have originated in the private sector are not applicable to public sector bargaining. Therefore, further empirical research should be conducted that will aid in the understanding of this important process and enable schools to reduce levels of disfunctional conflict.

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